

REMARKS

Claims 1-5, 8-25 and 30-41 are pending.

The indication in the Office action that claims 25 and 30-32 are allowable is noted with appreciation. In addition, the indication that claims 12-24 and 37 would be allowable if rewritten in independent form is also noted with appreciation. Claims 12, 14 and 37 have been rewritten in independent form, and claims 13 and 15-24 depend therefrom.

The provisional double patenting rejection is noted and will be addressed should the application be allowed.

Claims 33 and 38-41 were rejected under 35 U.S.C. 102(b) as being anticipated by EP638486 (“EP ‘486”). It is respectfully submitted that claims 33 and 38-41 are not anticipated by EP ‘486.

Claim 33 recites that the manifold chamber encircles the storage chamber. Claim 38 recites that a manifold chamber surrounds a periphery of the storage chamber. Neither of such manifold chambers are disclosed in EP ‘486. As admitted in the Office action dated May 19, 2006, while EP ‘486 discloses “a manifold chamber which extends about the storage chamber, the extension is limited to three sides thereof.” Given that the extension is limited to three sides in EP ‘486, such an extension neither “encircles” nor “surrounds” a storage chamber.

Claim 40 recites “a lid having a first portion overlying the manifold chamber and a second portion overlying the storage chamber, wherein the first portion of the lid...is sealed to a cylindrical wall of an inlet chamber”. This is not disclosed in EP ‘486. The Office action refers to Figure 4 as disclosing a cylindrical wall of an inlet chamber. If the Office action is referring to the conical structure in the inlet 4, then the bottom foil 3 is not sealed to that structure.

Claims 1- 5, 8 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by EP0272922 (“Bentley”). It is respectfully submitted that claims 1- 5, 8 and 33 are not anticipated by Bentley. Claims 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley. It is respectfully submitted that claims 9-11, which depend

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from claim 1, are not unpatentable over Bentley. Claims 34-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over EP '486. It is respectfully submitted that claims 34-36 are not unpatentable over EP '486.

Claim 1 presently recites that "the outflow of beverage from the storage chamber being separate from the manifold chamber." In Bentley, the beverage exits the compartment through the outlet channel 7, as shown in Figure 3, and thus is not separate from the outlet channel 7.

With respect to claim 33, Bentley does not disclose a discharge spout surrounded by the manifold chamber.

For the reasons set forth above, claims 1-5, 8-25 and 30-41 are believed to be allowable over the cited references, and reconsideration and allowance of claims 1-5, 8-25 and 30-41 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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